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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,139	12/29/2000	William E. La Macchia	002092-0208	8419
20572	7590	10/02/2006	EXAMINER	
GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			DIXON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,139	LA MACCHIA ET AL.	
	<b>Examiner</b> Thomas A. Dixon	<b>Art Unit</b> 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 May 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,9-11,16,18 and 19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,9-11,16,18-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_.

## DETAILED ACTION

1. The request filed on 5/25/06 for Continued Examination (RCE) based on parent Application No. 09/752,139 is acceptable and an RCE has been established. An action on the RCE follows.
2. Claims 2-8, 10-15, 17, and 20 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 9-11, 16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch (6,119,094) in view of Webber et al (5,021,953).

As per Claims 1.

Lynch et al ('094) discloses:

database containing inventory information, rate database and travel product information as part of an inventory and rate management system, see figure 1 (inventory data structure);

an interface between the travel product inventory and rate management system and a vacation package seller and the inventory and rate management system, see column 8, lines 56-65 or a component bundler, see figure 1 (set of low-priced alternatives).

Lynch et al ('094) further discloses the storage of travel discounts available to particular businesses, see column 2, lines 65-67, which is seen as a pricing rule, but is not specifically from the travel product supplier.

Webber et al ('953) teaches that the Airline Tariff Publishing Company supplies rule sets associated with flights as supplied by travel providers and the invented system reformats the rules for the benefit that they can be full automatically be used in determining flight itineraries.

As per Claim 9.

Lynch et al ('094) discloses:

providing a bulk inventory and rate database as part of an inventory and rate management system, see figure 1 (inventory data structure) and column 2, lines 6-13;

loading the bulk inventory and rate database with inventory and rate information for a plurality of individual travel products provided by a plurality of travel suppliers, see figure 3 (108), column 2, lines 6-13 and column 4, lines 46-61;

selectively choosing and bundling at least two of the plurality of individual travel products into a vacation package, see figure 1 (set of low priced alternatives), and column 4, line 42 – column 5, line 6;

selecting the vacation package through an interface between the vacation package seller and the inventory and rate management system, see column 8, lines 59-65; and

Lynch et al ('094) further discloses the storage of travel discounts available to particular businesses, see column 2, lines 65-67, which is seen as a pricing rule, but is not specifically from the travel product supplier.

Webber et al ('953) teaches that the Airline Tariff Publishing Company supplies rule sets associated with flights as supplied by travel providers and the invented system reformats the rules for the benefit that they can be full automatically be used in determining flight itineraries.

As per Claim 10, 18.

Lynch et al (094) further discloses the bundling is performed by a dynamic component at the time when the vacation package seller performs the step of selecting the vacation package, see column 7, line 8 – column 8, line 65.

As per Claims 11, 19.

Lynch et al (094) further discloses the bundling is performed prior to the time when the vacation package seller performs the step of selecting the vacation package, see column 1, lines 22-34.

As per Claim 16.

Lynch et al (094) discloses:

providing a bulk inventory, travel product information and rate database as part of an inventory and rate management system, see figure 1 (inventory data structure) and column 2, lines 6-13;

combining at least two of the plurality of individual travel products into a vacation package, see figure 1 (set of low-priced alternatives);

selectively assessing the vacation package through an interface between a vacation package seller and the inventory and rate management system, see column 8, lines 56-65;

loading the bulk inventory and rate database with inventory and rate information related to the travel products supplied by each of the plurality of travel product suppliers, wherein the inventory and rate information contained in the bulk inventory and rate database includes rules from the travel product suppliers regarding availability and pricing that permit the travel product and rate inventory management system to allocate

inventory and determine pricing for individual travel products, see figure 3 (108), column 2, lines 6-13, and column 4, lines 46-61; and

reserving the vacation package through the interface to the inventory and rate management system , see column 8, lines 59-65.

Lynch et al ('094) further discloses the storage of travel discounts available to particular businesses, see column 2, lines 65-67, which is seen as a pricing rule, but is not specifically from the travel product supplier.

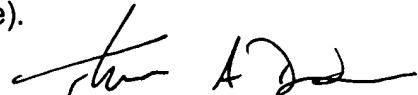
Webber et al ('953) teaches that the Airline Tariff Publishing Company supplies rule sets associated with flights as supplied by travel providers and the invented system reformats the rules for the benefit that they can be full automatically be used in determining flight itineraries.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon  
Primary Examiner  
Art Unit 3639